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REPORT
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NATIONAL ACADEMIC ADVISORY REPORT CARD ACT OF 1990

OCTOBER 11 (legislative day, OCTOBER 2), 1990.—Ordered to be printed

Mr. KENNEDY, from the Committee on Labor and Human Resources, submitted the following

REPORT

[To accompany S. 3095]

The Committee on Labor and Human Resources, to which was referred the bill (S. 3095) to authorize the creation of a National Report Card to be published annually to measure educational achievement of both students and schools and to establish a National Council on Educational Goals, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

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I. SUMMARY OF THE BILL

(a) ESTABLISHMENT OF COUNCIL.—There is authorized to be established an independent National Council on Educational Goals to study, make recommendations regarding, and monitor the progress toward meeting the national goals for education. The Council shall be constituted when either ½ of the members are appointed or 6 of the members described in section 4(b) have been appointed. Mem-

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bership on the Council shall be bipartisan and shall be appointed as follows:

(1) 2 members appointed by the President.

(2) 6 members equally bipartisan selected by the Chair of the National Governors Association with the Vice-Chair from among the Governors of the States or from the individuals described in 4(b).

(3) 5 members shall be appointed by the Speaker of the House of Representatives in consultation with the Minority Leader of the House of Representatives.

(4) 5 members shall be appointed by the President Pro Tempore of the Senate upon recommendation of the Majority Leader and the Minority Leader of the Senate.

(b) MEMBERSHIP.—Membership on the Council shall not exceed 18 members. Vacancies occurring on the Council shall be filled in the same manner as original appointment.

(c) STAFF.—The Council shall have independent staff.

(d) DUTIES.—The Council shall—

(1) compile, inventory, and analyze existing information regarding the educational achievement of United States students;

(2) monitor, and establish a timetable for reporting on progress towards achieving the national education goals for 2000;

(3) each year, submit to the President, the Congress, and the Governors, and make publicly available, a report that—

(A) using the best available data, including data from state summits, describes the progress made toward achieving the national education goals from the preceding year and from the year 1990;

(B) identifies gaps in existing data and recommends improvements in the methods and procedures used to assess progress toward achieving the national education goals;

(C) reports on progress comparing skill attainment or progress within similar bands of school resources.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) $2 million for the fiscal year 1991 and such sums as may be necessary for fiscal years 1992 through 2000 to carry out the provisions of this title.

(2) To carry out the provisions of Section 12 with respect to the State summits on education $5 million in matching funds for FY 1991 and such sums as may be necessary for FY 1992–2000.

(f) TERMINATION OF THE PANEL.—The Council shall complete its duties at least through the year 2000.

II. LEGISLATIVE HISTORY

A first version of this bill was introduced S. 2034 by Senator Bingaman for himself and Senators Mitchell, Kennedy, and Harkin on January 23, 1990, and referred to the Labor and Human Resources Committee.

Prior to the introduction, the Subcommittee on Government Information and Regulation of the Committee on Governmental Af-

fairs, held two hearings. The first hearing centered on an Overview of National Goals and was held on October 23, 1989. The second hearing centered on the Availability and Quality of National Education Databases and was held on November 1, 1989. Both hearings were held in Washington, D.C. In addition, the Subcommittee on Education, Arts, and Humanities of the Committee on Labor and Human Resources held two hearings specifically addressing the issues centered around a National Report Card and the National Education Goals established by the President and the National Governor's Association. The first hearing was held on July 23, 1990 and the second on September 10, 1990. Both hearings were held in Washington, D.C.

As a result of the latter hearings and discussions with Governor Romer of the National Governor's Association and correspondence from the Department of Education regarding S. 2034 a new bill was drafted. This bill S. 3095, the National Academic Report Card was introduced by Senator Bingaman for himself and Senators Mitchell, Kennedy, Kerrey, Harkin, and Pell.

The committee met and ordered the bill reported without amendment on September 26, 1990.

III. BACKGROUND AND NEED FOR THE LEGISLATION

The committee is reporting legislation that takes a critical and necessary step toward responding to our Nation's need to dramatically improve the quality of our children's education. That the Federal government has a role in education—and that its role is becoming increasingly more important—are facts beyond dispute. The Department of Education issued a report in 1983 entitled, "A Nation At Risk". It was a landmark report from which many other studies were initiated and from which education became focused as a national priority. However, not very much other than talk has emanated from the national level. Six years later, the United States remain "A Nation At Risk" of educational failure.

Many of our high school graduates continue to leave our schools unprepared to participate productively in the workforce; such children suffer high rates of functional illiteracy, and display a lack of understanding about this Nation and the world, in both an historical and futuristic context. Our students currently rank far below students of many other countries in educational achievement, particularly in math and the sciences.

Last September, the President and the Nation's Governors agreed upon six goals to be achieved by the year 2000: "All children will start school ready to learn." "Ninety percent of high school students will graduate." "All students will master basic skills." "United States students will be first in the world in science and mathematics achievement." "Every adult American will be literate." "Every school will be drug-free and safe." These are laudable goals. However, there was minimal participation by parents and organizations that will be responsible for implementing programs to achieve these goals.

If there is to be wide public involvement in improving our schools, the public must have accurate and timely information about the progress being made toward meeting these goals. If we

are to improve the quality of American education, there is no doubt that measuring student progress will play a critical role.

A joint statement issued at the summit stated, "When goals are set and strategies for achieving them are accepted, we must establish clear measures of performance and then issue annual report cards on the progress of students, schools, the states, and the federal government." Clearly, establishing national goals will have little meaning unless we are able to assess where we currently stand and measure our progress in attaining these goals.

One conclusion reached from the earlier testimonies at the hearings, was that there were major problems with the scope, quality, comparability and timeliness of data on educational performance currently available from the Department of Education.

There was and is no currently effective mechanism for measuring individual school performance relative to the established national education goals. It is clear that we need more information about the conditions under which education takes place and the conditions of children receiving that education.

There is a need to establish effective and direct ways to measure progress toward the national education goals so that policy makers at the local, state and the federal levels can begin to effectively and substantively address the issue of improving the quality of American education. There was strong support from the witnesses for the establishment of an independent Council of highly respected, bipartisan, diverse experts to develop a model assessment program for the Nation's education system, to monitor progress on meeting national goals for education, make recommendations on the nature of the nation's educational assessment and information system, and report periodically to the President and the Nation.

This past July the Governors and some of the President's advisors met in Mobile, Alabama. One of the accomplishments of this meeting was to establish the National Educational Goals Panel. This panel is charged with overseeing the development and implementation of a national education progress reporting system. This panel would develop and establish appropriate measures to assess progress toward the national education goals established last year in Charlottesville. Each year, the panel will report the progress made toward these goals.

Unfortunately, the Governors and the President chose to ignore the need for an independent panel expressed at three earlier hearings discussed above. Instead, they set up a panel comprised of six governors, four administration officials, and four ex-officio Members of Congress—all political office holders. In effect, as the people responsible for making and implementing national and state educational policy, they have made arrangements so that they, and no one else, would be the judge of their own work. This would serve the purpose of shielding those who set the goals from any accountability for achieving those goals.

An additional concern is that the panel cannot act on any proposal or statement unless 75 percent or 8 out of 10 members agree. Another severely limiting factor in terms of carrying out the panel's mission is that there is no budget for the panel to conduct its business nor any mechanism for it to commission data collection, particularly any new data collection. The Department of Edu-

cation has had the primary responsibility for collecting information on the condition and progress of education in the United States.

However, the National Center for Education Statistics—the primary source for federal data on America education—according to testimonies heard, has long been underfunded in comparison to other general purpose statistical agencies. In summary, the Governors and the President set up a second group (totally ignoring the concept developed in the Report Card Act) to monitor education progress, and this panel is made up of political officials who will be monitoring their own achievement and do not have funding to carry out their mission.

Three major conclusions from the final hearings in July and September were (1) the need for a Report Card that would contain information about school indicators being used to achieve national goals, (2) the general public should be meaningfully involved, and (3) that there be an independent National Council to monitor progress toward the national goals.

Two separate groups attempting to assess education progress will be a little benefit to improving the education achievement of our students. It is to address this current state of affairs that this new bill was introduced.

There are three major substantive changes from the National Report Card act of 1990:

(1) Instead of two separate panels this bill will create a single Council made up of education "stakeholders", "experts", and "policy-makers". In effect the two panels are combined without substantially affecting the integrity of either panel nor the mission of the Council.

(2) affecting the collection of data, there is a recommendation that, after developing its long-range timetable, the Council contract with NCES or any other entity, capable of generating and/or collecting the necessary data to appropriately assess the goals based on the Council's recommendations. Most importantly, there is authorizing language for the necessary appropriations.

(3) the authorizing of matching funds for state summits of education. The Council will include in its initial report on recommended indicators as well the subsequent annual reports an analysis of the state summit summaries submitted.

The state summits are vitally important to the success of the long term national goals. Long term commitment will come only from a large-scale consensus. The state summit reports will help generate meaningful grassroots discussion about the national goals and will help the Council evaluate the level of local and state commitment to investing in strategies for improving schools. Funding on-going grassroots deliberation will help keep public momentum behind the process.

IV. COMMITTEE VIEWS

If this nation is to improve the quality of education offered to our students and to improve the quality of our work force it is of the utmost importance that we pay close attention to monitoring and measuring student progress and that we sustain this effort

over a long period of time. This bill will set up a monitoring and measuring infrastructure for education that will have a broad base of participation. This bill is a substantial improvement on the earlier bill and a substantial improvement on the panel set up by the President and the Governors. It is a good compromise and will avoid the schism in educational policy at the national level that will ultimately frustrate efforts to achieving the national goals at the local level.

V. VOTES IN COMMITTEE

S. 3095 was brought up for markup at the Labor and Human Resources Committee Executive Session on September 26, 1990. The bill was reported favorably from the Committee by a vote of 12 to 4.

VI. CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

1. Bill number: S. 3095.
2. Bill title: National Academic Report Card Act of 1990.
3. Bill status: As ordered reported by the senate Labor and Human Resources Committee, September 26, 1990.
4. Bill purpose: The purpose of this bill is to establish and authorize through the year 2000 a National Council on Educational Performance and grants for State Summits on Education.
5. Estimated cost to the Federal Government:

[By fiscal years, in millions of dollars]

	1991	1992	1993	1994	1995
Estimated authorization levels:					
National Council on Education Goals	2	2	2	2	2
Grants for State summits on education	5	5	5	6	6
Total estimated authorization	7	7	7	8	8
Total estimated outlays	2	6	7	8	8

The costs of this bill fall in Function 500.

Basis of estimate: S. 3095, the National Report Card act of 1990, authorizes $2 million in 1991 for the National Council on Education Performance and $5 million in 1991 for grants for State Summits on Education. Estimated authorization levels for 1992–1995 for both programs. Estimated authorization levels for 1992–1995 reflect the amount specified for 1991 adjusted each year for anticipated inflation. Estimated total outlays reflect the spending pattern of similar education programs.

6. Estimated cost to State and local government: The grants to states for the State Summits on education, authorized at $5 million in 1991, require the states to pay $1 for every $1 of federal funds.
7. Estimate comparison: None.
8. Previous CBO estimate: None.
9. Estimate prepared by: Deborah Kalcevic.
10. Estimate approved by: James L. Blum, Assistant Director for Budget Analysis.

VII. REGULATORY IMPACT STATEMENT

The Committee has determined that there is no regulatory impact.

VIII. SECTION-BY-SECTION ANALYSIS

Section 1.—Provides that this Act may be cited as the "National Academic Report Card Act of 1990."

Section 2.—Provides for the contents of the Act.

Section 3.—Presents the Congressional findings concerning the need for the legislation. Declares that although there have been many reforms to our educational system since the National Council on Excellence in Education declared the nation "at risk" in 1983, the United States remains at risk of educational failure. Declares that although states and localities bear the primary responsibility for elementary and secondary education, the United States needs to increase its efforts in making education a national priority. Declares that an independent, bipartisan council of qualified citizens study and monitor progress of meeting the national goals for education; make recommendations on actions required to improve the performance of the educational system to meet the national goals; and issue annual reports in the form of a "national report card." Declares that the Federal Government should continue to play a vital, leading role in funding important educational programs and research activities, and that the mechanisms needed to assess and monitor educational progress and the national information infrastructure needed to support those mechanisms either do not exist or must be strengthened.

Section 4.—Authorizes the establishment of a Council on Educational Performance. Specifies that the Council shall consist of 18 members of whom 2 members shall be appointed by the President; 6 members, equally bi-partisan, shall be selected by the chair of the National Governors' Association; and 5 members each shall be appointed by the Speaker of the House of representatives in consultation with the Minority leader of the House of Representatives and the President Pro Tempore of the Senate upon the recommendation of the Majority Leader and Minority Leader of the Senate. Requires that the members be appointed by the Congress be knowledgeable and committed to education and educational excellence or have experience in analyzing educational data but not include elected state or federal public officials and include individuals from a wide variety of backgrounds such as teachers; researchers; school administrators, school board members; parents or parental organizations with experience in analyzing school performance data; chief state school officers; non-elected state officials especially those specializing in state report card indicators; representatives of nonprofit organizations; and persons from business who have demonstrated a commitment to the improvement of American education. The terms of appointment are established whereas the two appointees by the President shall be designated either four or six year terms; the National Governors' Association Chair and Vice Chair each shall designate one six-year, one four-year and one two-year term; the Speaker of the House and the President Pro Tempore of the Senate in consultation with the Majority Leader shall each des-

ignate appointees for one six-year, one four-year, and one two-year term; the House Minority Leader and the President Pro Tempore of the Senate in consultation with the Senate Minority Leader shall each designate appointees for one two-year and one four-year term. The appointments shall occur no later than 60 days after the eanctment date of this Act. In order to retain their appointment, Council members must attend at least 50% of the scheduled meetings in any given year of their appointment. The Chair shall be selected from and by the National Governors' Association members for the first year and thereafter by a majority of the voting members of the Council. Vacancies shall not affect the powers of the Council and shall be filled in the same manner as the original appointment. Council members shall serve without compensation but be allowed travel and per-diem expenses. Start-up of the Council duties may proceed when at least 9 members of the Council have been appointed or 6 of the members appointed by the House and Senate leadership have been appointed.

Section 5.—Authorizes the functions and performance of the functions of the Council. Requires the Council to compile, inventory and analyze existing educational achievement of U.S. students in public and private elementary, secondary, and post-secondary schools; use appropriate indicators to monitor and report progress on national objectives and goals; identify information that would develop public consensus about appropriate indicators; identify necessary data bases; establish benchmarks necessary to meet the long-term national goals; identify gaps in existing educational data; and make recommendations for improvement in the assessment or realization of goals by the Department of Education and any other Federal Governmental entity. Requires the Council to include analysis of the goals set forth by the National Education Summit or recommended by other Governmental and non-Governmental organizations; analyze and consider the goals developed through State Summits, report National level progress including international comparisons on achieving the goals; consider relevant data that affect student performance in at least the following areas: school readiness student achievement, school financing and equalization, parental involvement, availability of instructional resources, degreee of involvement of social service agencies, school and student performance and workforce literacy and skills; report on progress within similar bands of school resources; and consider alternative achievement skill attainment instruments. The Council is authorized to contract with the National Center for educational statistics or any other entity capable of generating and/or collecting the necessary information to perform its functions.

Section 7.—Authorizes an interim Council report not later than 1 year after the Council concludes its first meeting that establishes the timetable for reporting progress toward achieving national education goals for the year 2000 and includes a series of steps for implementation of each Council recommendation.

Section 8.—Authorizes the submission of a National Report Card to the President, Congress and the Governor of each State not later than 2 years after the conclusion of the first meeting of the Council and annually after thereafter.

Section 9.—Authorizes the Powers of the Council. The Council shall conduct public hearings; receive reports and analyses; make policy and method recommendations for pursuing the goals at the federal, state, and local levels; and receive testimony from the public and other individuals and organizations. The Council is authorized to accept gifts, use the United States mail under the same conditions as other Federal entities and reimburse the General Services Administration for necessary services.

Section 10.—Authorizes the Administrative Provisions of the Council including meeting arrangements; a quorum requirement of 50 percent of Council appointees; terms of office of the Council Chairman, Vice Chairman and staff appointments; and compensation. Voting action shall be done by majority and without proxy.

IX. MINORITY VIEWS ON S. 3095, THE NATIONAL ACADEMIC REPORT CARD ACT OF 1990

We strongly oppose S. 3095 because it will create another statutory federal advisory panel which needlessly duplicates the current voluntary panel establisehd by the nation's governors. The governors of all 50 states have joined with the President to assess the current issues in education and have announced six national education goals for the year 2000. They have established a bipartisan council to assess progress in meeting these goals.

We commend the President and the governors for this voluntary action which is in the best interest of the nation and want to support this voluntary action by a group of individuals who are best acquainted with their states and the procedures that must be followed to upgrade education. This bill basically rejects the voluntary efforts by the President and the governors by establishing its own federal council.

Moreover, in the past few years, the Labor and Human Resources Committee has eliminated most national councils because such councils have been viewed as unnecessary and unsuccessful. Yet, this measure rejects these efforts and establishes another national council that duplicates a council already in existence on a voluntary basis. We know of no plans by the governors to disband their panel and see no reason for establishing another council.

We also want to express concern about the ultimate purpose in establishing a federal council. In the organic act of the Department of Education, it was made very clear that neither the Secretary nor the Department of Education was to exercise direction, supervision, or control over the curriculum, the program of instruciton, or the selection of library books, textbooks, or other instructional materials. This is a fundamental principle about which we are very concerned.

Furthermore, the states have the principal responsibility for education in this country. The changes needed to meet the national goals will have to come from the state and local level. It makes little sense for the federal government to preempt the states in conducting an assessment of education when the federal government is unable, by law, to act on the findings.

We are especially pleased that the individual states have chosen to work together to assess the needs in education and make strides to resolve the problems. The process is already in place to measure progress toward achievement of the national goals. We should neither disrupt it, nor duplicate it.

We support the national goals, and we support the need for determining a way to assess our progress toward meeting those goals. We agree that Congress should play a supportive role. Unfortunately, we must object to this bill because rather than supporting a viable high level effort by the nation's governors, it preempts it.

This bill sends the message that the gubernatorial effort is insufficient; and, therefore, the federal government must do its own assessment. The bill discourages voluntary efforts. Finally, it makes no sense for the federal government to perform an assessment when it has no authority to act on its conclusions; states are in the best position to take positive steps to improve education.

ORRIN G. HATCH.
THAD COCHRAN.
DAVE DURENBERGER.
STROM THURMOND.

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